

Nos. 701, 702, 703 and 744.

IN THE
UNITED STATES CIRCUIT COURT OF APPEALS
FOR THE NINTH CIRCUIT.

IN THE MATTER OF ARTHUR H. NOYES.

IN THE MATTER OF THOMAS J. GEARY.

IN THE MATTER OF JOSEPH K. WOOD.

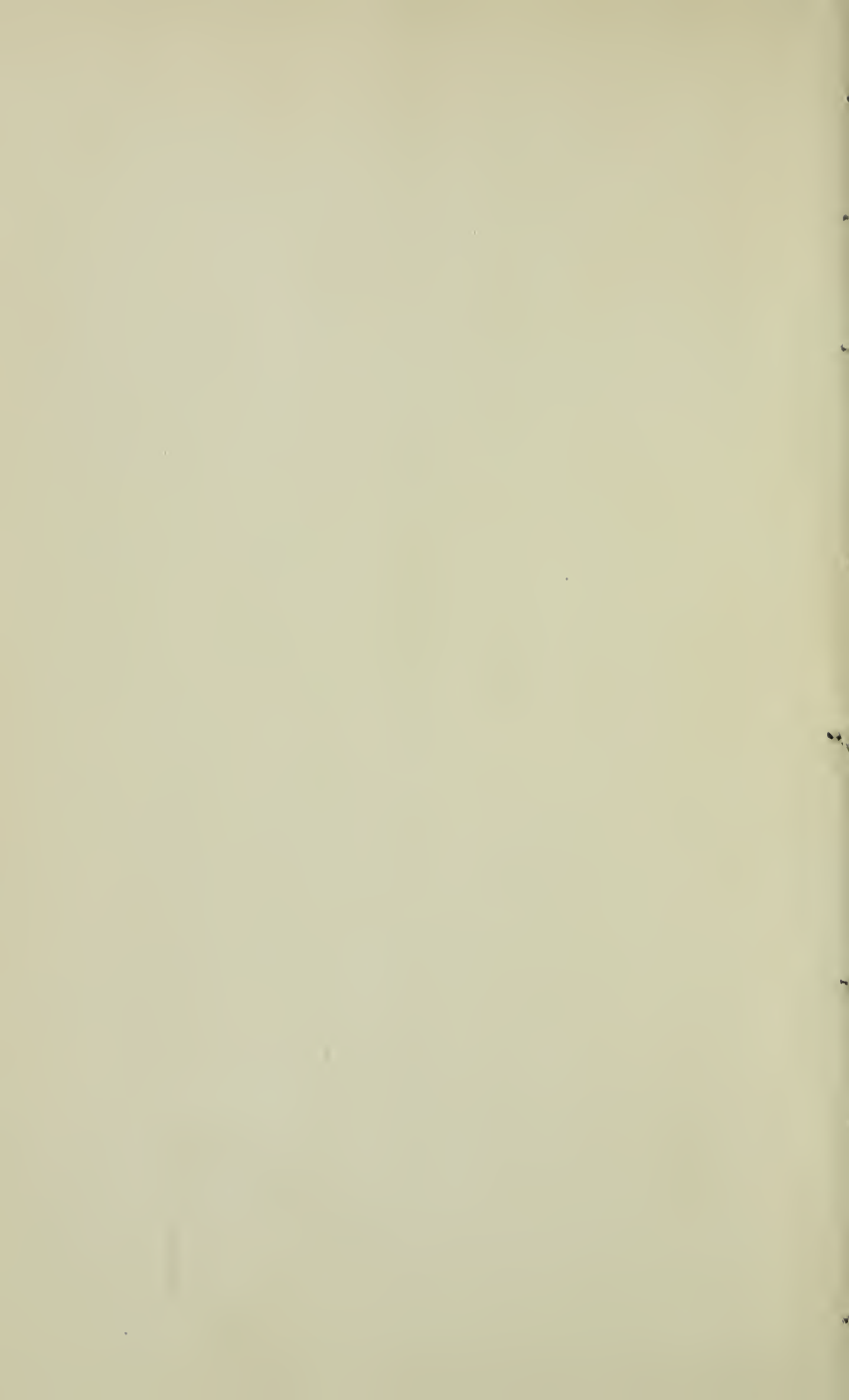
IN THE MATTER OF C. A. S. FROST.

FILED
NOV 21 1901

INDEX

TO

Transcript of Proceedings and Testimony.



Records of the
Board of Supervisors

155

Contents to Volumes by Pages.

Pages.

- Volume I contains pages 1 to 256, inclusive.
Volume II contains pages 257 to 512, inclusive.
Volume III contains pages 513 to 768, inclusive.
Volume IV contains pages 769 to 1024, inclusive.
Volume V contains pages 1025 to 1280, inclusive.
Volume VI contains pages 1281 to 1536, inclusive.
Volume VII contains pages 1537 to 1792, inclusive.
Volume VIII contains pages 1793 to 2048, inclusive.
Volume IX contains pages 2049 to 2304, inclusive.
Volume X contains pages 2305 to 2560, inclusive.
Volume XI contains pages 2561 to 2816, inclusive.
Volume XII contains pages 2817 to 3037, inclusive.

INDEX.

	Page
Account of A. K. Wheeler	680
Affidavit of P. H. Anderson (Cause No. 702)	23
Affidavit of George A. Leekley	1317
Affidavit of Erik O. Lindblom (Cause No. 701)	1
Affidavit of John F. Mercer	1320
Affidavit of C. L. Vawter (Cause No. 744)	62
Affidavit of Cabell Whitehead (Cause No. 703)	50
Answer of Respondent C. A. S. Frost (Cause No. 744)	70
Answer of Respondent Thomas J. Geary (Cause No. 702)	34
Answer of Respondent Arthur H. Noyes (Cause No. 701)	12
Answer of Respondent Joseph K. Wood (Cause No. 703)	58
Certificate, Commissioner's	3037
Commissioner's Certificate	3037
Complainant's Exhibit "A" (Affidavit of Arthur H. Noyes)	2538
Deed from Hubbard to Lindeberg, Lindblom and Brynteson of Certain Anvil Creek Mining Loca- tions	2003

	Page
Deed from Requa to Hubbard for Certain Placer Mining Claims	2015
Demurrer of Thomas J. Geary (Cause No. 702).....	30
Demurrer of Respondent Geary, Order Overruling (Cause No. 702).....	33
Deposition of O. P. Hubbard (Causes Nos. 701, 702, 703).....	197
Deposition of Alexander McKenzie (Causes Nos. 701, 702, 703).....	126
Deposition of Alexander McKenzie, Order for Taking (Causes Nos. 701, 702, 703).....	124
Deposition of Alexander McKenzie, Stipulation as to Taking (Causes Nos. 701, 702, 703).....	126
Deposition of Archie K. Wheeler (Causes Nos. 701, 702, 703).....	158
Deposition of Cabell Whitehead (Cause No. 631)....	82
Deposition of Cabell Whitehead, Order to Take (Cause No. 631).....	80
Exhibit "A" to Answer of Thomas J. Geary (Opinion)	43
Exhibit "A," Complainant's (Affidavit of Arthur H. Noyes).....	2538
Exhibit "A" (Notice of Location—Placer Claim)....	1928
Exhibit "A" (Notice of Location—Placer Claim)....	1931
Exhibit No. 1, Frost's (Affidavit of Alexander McKenzie).....	2803

Index.

v

	Page
Exhibit No. 1, Metson (Order Staying Proceedings)..	941
Exhibit No. 2, Metson (Pleadings in Case of Robert Chippis vs. Jafet Lindeberg et al.).....	945
Exhibit No. 3, Metson (Affidavit of Samuel Knight).	971
Exhibit No. 4, Metson (Deposition of Jafet Linde- berg).....	981
Exhibit No. 5, Metson (Order Appointing Receiver)..	985
Exhibit No. 6, Metson (Order Continuing Receiver- ship).....	988
Exhibit No. 7, Metson (Order Enlarging Powers of Receiver).....	989
Exhibit No. 7, Noyes' (Copy of Power of Attorney)..	2716
Exhibit No. 8, Noyes' (Location Notice on Claim No. 2 Above on Dry Creek).....	2721
Exhibit No. 9, Noyes' (Amended Location Notice of No. 2 Above on Dry Creek).....	2723
Exhibit No. 10, Noyes' (Copy of By-Laws of the Cape Nome Mining District).....	2726
Exhibit No. 11, Noyes' (Contract Between O. P. Hub- bard and E. R. Beeman, Parties of the First Part, and Mrs. Kirke H. Requa, Party of the Second Part).....	2733
Exhibit No. 14, Noyes' (Quitclaim Deed No. 2,029)..	2772

	Page
Exhibit No. 15, Noyes' (Telegram Addressed to the President of the United States, and Signed by D. H. Jackson, Dated Nome City, Alaska, June 12, 1901).....	2800
Exhibit No. 1, Respondent Frost's (Letter, Dated Nome, Alaska, Aug. 7, 1900, Addressed to the Attorney General, Washington, D. C., and Signed by C. L. Vawter).....	1254
Exhibit No. 2, Respondent Frost's (Letter Dated Nome, Alaska, Aug. 14, 1900, Addressed to the Attorney General, Washington, D. C., and Signed by C. A. S. Frost).....	1257
Exhibit No. 1, Respondent Noyes' (Affidavit of W. T. Hume).....	380
Exhibit No. 2, Respondent Noyes' (Affidavit of W. T. Hume).....	383
Exhibit No. 3, Respondent Noyes' (Affidavit of W. T. Hume).....	385
Exhibit No. 4, Respondent Noyes' (Letter dated Nome, Alaska, June 28, 1901, Addressed to E. S. Pillsbury, Esq., San Francisco, Cal., and Signed by Messrs. Fink, Jackson, Johnson and Orton)	1219
Exhibit No. 5, Respondent Noyes' (Letter, Dated San Francisco, Cal., Feb. 14, 1901, Addressed to Hon. C. S. Johnson, Nome, Alaska, and Signed by Samuel Knight)	1226

	Page
Exhibit No. 5, Respondent Noyes' (Letter, Dated Nome, Alaska, Sept. 15th, 1900, Addressed to Major Van Orsdale, Nome City, Alaska, and Signed by Arthur H. Noyes).....	1585
Frost's Exhibit No. 1 (Affidavit of Alexander McKenzie).....	2803
Metson Exhibit No. 1 (Order Staying Proceedings)..	941
Metson Exhibit No. 2 (Pleadings in Case of Robert Chipps v. Jafet Lindeberg et al.).....	945
Metson Exhibit No. 3 (Affidavit of Samuel Knight).	971
Metson Exhibit No. 4 (Deposition of Jafet Lindeberg)	981
Metson Exhibit No. 5 (Order Appointing Receiver)..	985
Metson Exhibit No. 6 (Order Continuing Receivership).....	988
Metson Exhibit No. 7 (Order Enlarging Powers of Receiver).....	989
Noyes' Exhibit No. 7 (Copy of Power of Attorney)..	2716
Noyes' Exhibit No. 8 (Location Notice on Claim No. 2 Above on Dry Creek).....	2721
Noyes' Exhibit No. 9 (Amended Location Notice of No. 2 Above on Dry Creek).....	2723
Noyes' Exhibit No. 10 (Copy of By-Laws of the Cape Nome Mining District).....	2726
Noyes' Exhibit No. 11 (Contract Between O. P. Hubbard and E. R. Beeman, Parties of the First Part, and Mrs. Kirke H. Requa, Party of the Second Part).....	2733

	Page
Noyes' Exhibit No. 14 (Quitclaim Deed No. 2,029) . . .	2772
Noyes' Exhibit No. 15 (Telegram Addressed to the President of the United States and Signed by D. H. Jackson, Dated Nome City, Alaska, June 12, 1901)	2800
Order for Taking Deposition of Alexander McKenzie (Causes Nos. 701, 702, 703)	124
Order Overruling Demurrer of Respondent Geary (Cause No. 702)	33
Order Referring to Commissioner to Take Testimony (Cause No. 701)	155
Order Referring to Commissioner to Take Testimony (Cause No. 702)	156
Order Referring to Commissioner to Take Testimony (Cause No. 703)	157
Order to Show Cause (Cause No. 701)	9
Order to Show Cause (Cause No. 702)	28
Order to Show Cause (Cause No. 703)	55
Order to Show Cause (Cause No. 744)	68
Order to Take Deposition of Cabell Whitehead (Cause No. 631)	80
Order Uniting Matters and Referring to Commission- er (Causes Nos. 701, 702, 703, 744)	246
Proceedings Before Commissioner at Alameda County Jail, Transcript of (Causes Nos. 701, 702, 703) . . .	114
Quitclaim Deed (No. 2028)	2020

	Page
Receipt of Hubbard for Memorandum Certificate . . .	2010
Respondent Frost's Exhibit No. 1 (Letter, Dated Nome, Alaska, Aug. 7, 1900, Addressed to the At- torney General, Washington, D. C., and signed by C. L. Vawter)	1254
Respondent Frost's Exhibit No. 2 (Letter, Dated Nome, Alaska, Aug. 14, 1900, Addressed to the Attorney General, Washington, D. C., and Signed by C. A. S. Frost)	1257
Respondent Noyes' Exhibit No. 1 (Affidavit of W. T. Hume)	380
Respondent Noyes' Exhibit No. 2 (Affidavit of W. T. Hume)	383
Respondent Noyes' Exhibit No. 3 (Affidavit of W. T. Hume)	385
Respondent Noyes' Exhibit No. 4 (Letter, Dated Nome, Alaska, June 28, 1901, Addressed to E. S. Pillsbury, Esq., San Francisco, Cal., and Signed by Messrs. Fink, Jackson, Johnson and Orton) . .	1219
Respondent Noyes' Exhibit No. 5 (Letter, Dated San Francisco, Cal., Feb. 14, 1901, Addressed to Hon. C. S. Johnson, Nome, Alaska, and Signed by Samuel Knight)	1226
Respondent Noyes' Exhibit No. 5 (Letter, Dated Nome, Alaska, Sept. 15th, 1900, Addressed to Major Van Orsdale, Nome City, Alaska, and Signed by Arthur H. Noyes)	1585

	Page
Stipulation as to Taking Deposition of Alexander McKenzie (Causes Nos. 701, 702, 703).....	126
Telegram (Addressed to Page, McCutchen, Harding & Knight and Signed by Edwin Engelstad)....	2986
Testimony in Support of Order to Show Cause:	
George V. Borchsenius.....	647
George V. Borchsenius (cross-examination)....	665
George V. Borchsenius (redirect examination)..	674
George V. Borchsenius (recross-examination)..	678
George V. Borchsenius (recalled).....	1036
George V. Borchsenius (cross-examination)....	1039
George V. Borchsenius (recalled, in rebuttal)...	2863
George V. Borchsenius (cross-examination—by Mr. Wood).....	2890
George V. Borchsenius (cross-examination—by Mr. McLaughlin).....	2891
George V. Borchsenius (redirect examination)..	2905
George V. Borchsenius (recross-examination)...	2906
W. F. Britt	1166
W. F. Britt (cross-examination).....	1167
W. F. Britt (cross-examination—resumed).....	1188
W. F. Britt (redirect examination).....	1193
W. F. Britt (recross-examination).....	1194
George H. Burnham (cross-examination—by Mr. George H. Burnham	1125
Maguire)....	1133

	Page
Testimony in Support of Order to Show Cause—Continued:	
George H. Burnham (cross-examination—by Mr. Heney).....	1135
George H. Burnham (redirect examination).....	1144
George H. Burnham (recross-examination).....	1145
George H. Burnham (cross-examination—by Mr. Maguire)	1146
George H. Burnham (cross-examination—by Mr. Wood)	1146
George H. Burnham (cross-examination—by Mr. Maguire)	1152
George H. Burnham (cross-examination—by Mr. Heney)	1153
Robert Chipps (in rebuttal).....	3014
Robert Chipps (cross-examination).....	3020
James M. Davidson (in rebuttal).....	2972
James M. Davidson (cross-examination).....	2974
Samuel C. Dunham.....	868
Samuel C. Dunham (cross-examination).....	894
Samuel C. Dunham (recalled).....	992
Samuel C. Dunham (recalled).....	1057
Samuel C. Dunham (recalled).....	1123
S. C. Dunham (recalled—in rebuttal).....	2977
S. C. Dunham (cross-examination).....	2978

Testimony in Support of Order to Show Cause—Continued:

Charles G. French	1200
Charles G. French (cross-examination).....	1214
Charles G. French (redirect examination).....	1215
Charles G. French (recalled in rebuttal).....	2908
Charles G. French (cross-examination).....	2937
Charles G. French (redirect examination).....	2946
Charles G. French (recross-examination).....	2947
W. T. Hume.....	249
W. T. Hume (cross-examination).....	306
W. T. Hume (redirect examination).....	437
W. T. Hume (recross-examination).....	475
W. T. Hume (redirect examination).....	512
W. T. Hume (recross-examination).....	520
W. T. Hume (cross-examination).....	523
Wilson T. Hume (recalled).....	693
Wilson T. Hume (recross-examination).....	696
Wilson T. Hume (redirect examination).....	698
Wilson T. Hume (recross-examination).....	700
Kenneth M. Jackson (in rebuttal).....	2956
Kenneth M. Jackson (cross-examination).....	2965
Kenneth M. Jackson (redirect examination).....	2971
Minnie G. James.....	701

Testimony in Support of Order to Show Cause—Continued:

Page

Mrs. Minnie James (recalled—in rebuttal)	2885
Charles S. Johnson	823
Charles S. Johnson (cross-examination)	849
Charles S. Johnson (redirect examination)	861
Charles S. Johnson (recross-examination)	863
Charles S. Johnson (recalled)	1179
Charles S. Johnson (redirect examination)	1184
Charles S. Johnson (cross-examination)	1186
Charles S. Johnson (recalled—cross-examination)	1217
C. S. Johnson (recalled—cross-examination)	1937
C. S. Johnson (redirect examination)	1951
C. S. Johnson (recross-examination)	1952
Charles S. Johnson (recalled—cross-examination)	2593
Charles S. Johnson (recalled—in rebuttal)	2987
Samuel Knight	706
Samuel Knight (cross-examination)	725
Samuel Knight (recalled)	895
Samuel Knight (cross-examination)	902
Samuel Knight (recalled)	1040
Samuel Knight (cross-examination—by Mr. McLaughlin)	1043

Testimony in Support of Order to Show Cause—Continued:

Samuel Knight (cross-examination—by Mr. Maguire).....	1045
Samuel Knight (recalled—cross-examination)..	1222
Samuel Knight (redirect examination).....	1232
Samuel Knight (cross-examination).....	1239
Samuel Knight (redirect examination)	1243
Samuel Knight (recalled—in rebuttal)	2979
Samuel Knight (cross-examination).....	2986
John F. Mercer	1826
John F. Mercer (cross-examination).....	1841
John F. Mercer (redirect examination).....	1917
John F. Mercer (recross-examination).....	1921
W. H. Metson.....	727
W. H. Metson (cross-examination).....	768
W. H. Metson (redirect examination).....	776
W. H. Metson (recross-examination)..	782
W. H. Metson (cross-examination—resumed)...	908
W. H. Metson (redirect examination).....	928
W. H. Metson (recross-examination).....	940
William H. Metson (recalled)	1047
William H. Metson (cross-examination).....	1051
W. H. Metson (recalled).....	1175
W. H. Metson (cross-examination—by Mr. Maguire).....	1176

Testimony in Support of Order to Show Cause—Continued:

W. H. Metson (cross-examination—by Mr. He- ney).....	1177
William H. Metson (recalled—cross-examina- tion).....	2028
W. H. Metson (cross-examination).....	2054
W. H. Metson (redirect examination).....	2055
W. H. Metson (cross-examination).....	2087
W. H. Metson (redirect examination).....	2164
W. H. Metson (cross-examination).....	2177
W. H. Metson (recalled—cross-examination)....	2599
W. H. Metson (recalled in rebuttal).....	2995
W. H. Metson (cross-examination).....	3008
Frank D. Monckton.. .. .	804
Lafe Pence	1736
Lafe Pence (cross-examination).....	1741
Lafe Pence (redirect examination).....	1760
Arthur M. Pope (in rebuttal).....	2857
Arthur M. Pope (cross-examination)	2860
Arthur M. Pope (redirect examination).....	2861
Arthur M. Pope (recross-examination).....	2863
C. L. Tisdale.....	115
C. L. Tisdale (cross-examination).....	116
Cornelius L. Vawter.....	526
Cornelius L. Vawter (cross-examination).....	555

	Page
Testimony in Support of Order to Show Cause—Continued:	
Cornelius L. Vawter (redirect examination) . . .	620
Cornelius L. Vawter (recross-examination) . . .	637
Cornelius L. Vawter (redirect examination) . . .	646
Cornelius L. Vawter (recalled)	688
Cornelius L. Vawter (redirect examination) . . .	689
Cornelius L. Vawter (recross-examination) . . .	691
C. W. Willard	1052
Cabell Whitehead (in rebuttal)	2807
Cabell Whitehead (cross-examination—by Mr. Wood)	2833
Cabell Whitehead (cross-examination—by Mr. McLaughlin)	2837
Cabell Whitehead (redirect examination)	2856
Testimony on Behalf of Respondents:	
M. J. Cochran	1689
M. J. Cochran (cross-examination)	1729
M. J. Cochran (cross-examination—resumed) . .	1761
M. J. Cochran (redirect examination)	1811
M. J. Cochran (recalled)	1923
M. J. Cochran (cross-examination)	1925
M. J. Cochran (redirect examination)	1930
Dudley Dubose	1488
Dudley Dubose (cross-examination)	1525
Dudley Dubose (redirect examination)	1550

Testimony on Behalf of Respondents—Continued:

Dudley Dubose (recross-examination).....	1557
Dudley Dubose (cross-examination — by Mr. Wood)	1559
G. W. Fox	2793
Charles G. French (recalled—sur-rebuttal)....	3035
C. A. S. Frost.....	1244
C. A. S. Frost (cross-examination).....	1315
C. A. S. Frost (recalled—cross-examination re- sumed)	1563
C. A. S. Frost (redirect examination).....	1570
C. A. S. Frost (recalled).....	2183
C. A. S. Frost (cross-examination).....	2193
C. A. S. Frost (redirect examination).....	2221
C. A. S. Frost (recalled—cross-examination) ..	2604
C. A. S. Frost (redirect examination).....	2606
C. A. S. Frost (recalled—sur-rebuttal)	3027
Thomas J. Geary... ..	1000
Thomas J. Geary.....	1058
Thomas J. Geary (cross-examination—by Mr. Pillsbury).....	1069
Thomas J. Geary (cross-examination—by Mr. Heney).....	1099
Thomas J. Geary (cross-examination—by Mr. Pillsbury).....	1104
Thomas J. Geary (redirect examination).....	1119
Thomas J. Geary (recross-examination).....	1122

	Page
Testimony on Behalf of Respondents—Continued:	
Thomas J. Geary (recalled)	1154
Thomas J. Geary (cross-examination—by Mr. Pillsbury).....	1155
Thomas J. Geary (cross-examination—by Mr. Heney).....	1157
Thomas J. Geary (cross-examination—by Mr. Pillsbury).....	1158
Thomas J. Geary (cross-examination—by Mr. Heney).....	1159
Thomas J. Geary (cross-examination—by Mr. Pillsbury).....	1159
Thomas J. Geary (cross-examination—by Mr. McLaughlin).....	1160
Thomas J. Geary (cross-examination—by Mr. Pillsbury).....	1161
Thomas J. Geary (cross-examination—by Mr. Heney).....	1162
Thomas J. Geary (cross-examination—by Mr. Pillsbury)....	1164
Thomas J. Geary (cross-examination—by Mr. Wood).....	1165
Thomas J. Geary (redirect examination).....	1165
Thomas J. Geary (recalled—cross-examination).	1198
D. H. Jackson	2797
Thomas Jacobs.....	1954

Testimony on Behalf of Respondents—Continued:

Thomas Jacobs (cross-examination).....	1988
Thomas Jacobs (direct examination—resumed)..	1990
Thomas Jacobs (cross-examination—resumed)..	1995
Thomas Jacobs (redirect examination).....	2011
Thomas Jacobs (recross-examination).....	2026
Thomas Jacobs (redirect examination).....	2026
Thomas Jacobs (cross-examination).....	2027
Arthur H. Noyes.....	2222
Arthur H. Noyes (cross-examination).....	2425
Arthur H. Noyes (redirect examination).....	2578
Arthur H. Noyes (recross-examination).....	2587
Arthur H. Noyes (redirect examination).....	2590
Arthur H. Noyes (recalled—sur-rebuttal).....	3025
Kirke H. Requa	2696
Kirke H. Requa (cross-examination)	2780
Kirke H. Requa (redirect examination).....	2791
Kirke H. Requa (recalled).....	2796
Thomas Turnbull	1682
Thomas Turnbull (cross-examination)....	1684
Thomas Turnbull (redirect examination).....	1688
J. T. Van Orsdale	1574
J. T. Van Orsdale (cross-examination).....	1590
J. T. Van Orsdale (redirect examination).....	1658
J. T. Van Orsdale (recross-examination).....	1669
J. T. Van Orsdale (redirect examination).....	1676

	Page
Testimony on Behalf of Respondents—Continued:	
J. T. Van Orsdale (cross-examination).....	1678
J. T. Van Orsdale (redirect examination)	1679
Joseph K. Wood	2607
Joseph K. Wood (cross-examination—by Mr. Pillsbury)	2656
Joseph K. Wood (cross-examination—by Mr. Mc- Laughlin)	2662
Joseph K. Wood (cross-examination—by Mr. Pillsbury)	2690
Joseph K. Wood (recalled—sur-rebuttal).	3030
Transcript of Proceedings before Commissioner at Alameda County Jail (Causes Nos. 701, 702, 703)	114

